

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PAUL MURPHY, Regional Director of Region 3 of the  
National Labor Relations Board, for and on behalf of the  
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

CAYUGA MEDICAL CENTER ,

Respondent.

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**DECLARATION OF DEB  
RAUPERS**

Civil Action No.:  
3:17-MC-00004  
(TJM)(ATB)

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF TOMPKINS    )

I, Deb Raupers, declare, upon personal knowledge and under penalty of perjury that the following is true and correct:

1. I am employed as Vice President of Patient Care Services at Cayuga Medical Center (“CMC”). I have held this position since October 2015.

2. In this role, I am responsible for investigating patient complaints; ensuring the safety of patients; maintaining compliance with established CMC procedures, state, and federal regulations, evaluating employee performance, and I am responsible for maintaining high levels of patient care.

3. I oversaw the investigation into a patient’s complaint that two nurses, Anne Marshall and Loran Lamb, failed to follow CMC’s blood transfusion policy.

4. The investigation found that Ms. Marshall and Ms. Lamb (1) knowingly and deliberately violated policy and committed a fundamental breach of patient safety that placed the patient in danger of a potential lethal outcome; (2) caused the vulnerable patient fear and distress

because she was aware of the nurses' disregard of the necessary safety precautions; and (3) falsified the Blood Transfusion Card by certifying that the bedside verification had been performed. In addition, Ms. Marshall disregarded the patient's own concern about following the proper protocol, and Ms. Lamb failed to even enter the patient's room despite certifying that she had.

5. Under these circumstances, CMC (and myself) would have been reckless in not terminating these employees. Therefore, we made the decision to terminate Ms. Marshall and Ms. Lamb.

6. CMC also determined that the knowing falsification of medical records and deliberate violation of established safety standards constituted professional misconduct as defined by the New York State Education Department's ("NYSED") Office of the Professions. Consistent with CMC practices, I filed an incident report with the NYSED's Office of the Professions regarding both nurses.

7. I filed this report on October 20, 2016.

8. Complaints of professional misconduct are independently investigated by the respective Regional Office of Professional Discipline.

9. In cases where the Regional Office finds "sufficient evidence" that misconduct has occurred, the case is referred to the Prosecutions Division of the Office of Professional Discipline. A copy of the Frequently Asked Questions published by the New York State Education Department explaining the complaint procedure is attached as **Exhibit A**.


10. On February, 17, 2017, we received notice that the Regional Office completed its investigation of Ms. Marshall and Ms. Lamb. The Regional Office, finding sufficient evidence

of professional misconduct, referred both cases to the Prosecutions Division for further action. A copy of each determination is attached as **Exhibit B**.

11. Accordingly, Ms. Marshall and Ms. Lamb's licenses to practice nursing may be at risk due to the ongoing NYSED prosecution.

12. I had no knowledge regarding Ms. Lamb's alleged pro-union feelings or sentiments.

Dated: March 2, 2017

  
Deb Raupers

Sworn to before me this  
2<sup>nd</sup> day of March, 2017.

  
NOTARY PUBLIC

**ROBIN L TILTON**  
Notary Public, State of New York  
No. 01TI6160254  
Qualified in Tompkins County  
Commission Expires February 05, 2019